

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

LYNDON WILLIAMS, individually,)
)
)
Plaintiff,)
)
-vs-) Case No. CIV-12-91-F
)
STATE FARM MUTUAL)
AUTOMOBILE INSURANCE)
COMPANY, a foreign corporation,)
et al.,)
)
Defendants.)

ORDER

On January 30, 2012, the court entered an order directing plaintiff to file an amended complaint, providing all of the missing jurisdictional allegations. In the order, the court specifically explained that an allegation of residence, standing alone, is insufficient and citizenship is required to show diversity jurisdiction. While plaintiff has filed an amended complaint as directed by the court, plaintiff has not provided all of the missing jurisdictional allegations. The amended complaint still alleges that “the Plaintiff, Lyndon Williams, is a resident of Conway County, State of Arkansas.” *See*, Amended Complaint, ¶ 1. Because plaintiff has not alleged in the amended complaint the state of which he is a citizen and plaintiff has had two opportunities to set forth the basis for the court’s exercise of diversity jurisdiction and has failed to do so, the court finds that plaintiff’s action should be dismissed without prejudice.¹ The court cannot conclude on the basis of the allegations in the amended

¹ The court also notes that while plaintiff has attempted to allege a factual basis for venue in this judicial district, plaintiff has not alleged the statutory basis for the allegation that venue lies in this court.

complaint that it has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332.

Accordingly, the above-entitled action is **DISMISSED WITHOUT PREJUDICE.**

DATED February 1, 2012.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

12-0091p002.wpd